

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

NAME OF DOCUMENT	Health and Safety Representatives
TYPE OF DOCUMENT	Procedure
DOCUMENT NUMBER	SESLHDPR/730
DATE OF PUBLICATION	February 2022
RISK RATING	Low
LEVEL OF EVIDENCE	National Safety and Quality Service Standards: Standard 1 – Clinical Governance
REVIEW DATE	February 2027
FORMER REFERENCE(S)	SESLHDGL/020 - Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines ISO 45001 WHS Management System Standard
EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR	Director, People and Culture
AUTHOR	Jen Hartley Senior Health and Safety Partner
POSITION RESPONSIBLE FOR THE DOCUMENT	Rosanna Martinelli Head, Health Safety and Wellbeing Rosanna.martinelli@health.nsw.gov.au
FUNCTIONAL GROUP(S)	Workplace Health and Safety
KEY TERMS	Health and Safety Representative (HSR) Work Group
SUMMARY	This procedure describes the process for electing Health and Safety Representatives in SESLHD.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

**This Procedure is intellectual property of South Eastern Sydney Local Health District.
Procedure content cannot be duplicated.**

Feedback about this document can be sent to SESLHD-Policy@health.nsw.gov.au

1. POLICY STATEMENT

[Division 2 of the NSW Work Health and Safety Act 2011](#) states: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this Division and the regulations, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

[Division 2 NSW Work Health and Safety Regulation 2017](#) gives guidance on Health and safety representatives for the workplace.

2. BACKGROUND

All workplaces must provide options for consultation and communication between workers and management on health and safety issues. Under the [Work Health and Safety Act 2011](#) the following methods of consultation are available in the workplace:

- workers can choose to elect Health and Safety Representatives (HSRs) within workgroups
- workers and the management of the organisation may establish a Health and Safety Committee (HSC)
- workers and the management of the organisation may agree to have both Committees and HSRs
- other arrangements as agreed.

Note: Further information on HSR and HSC duties are found in procedure [SESLHDPR/731 - Health and Safety Consultation](#).

3. DEFINITIONS

3.1 Health and Safety Committee (HSC) member: a person elected by the work group using the formal and documented election process (this document, SESLHDPR/730) to represent the workers on work health and safety matters for a term of two years.

- A one day training program is provided by SESLHD to HSC members

Note: Further information can be found in procedure [SESLHDPR/731 - Health and Safety Consultation](#) or by contacting the [Health Safety and Wellbeing Service](#).

3.2 Health and Safety Representative (HSR) – is a person elected by the work group using the formal and documented election process (this document, SESLHDPR/730) to represent the workers on work health and safety matters for a term of three years.

- It is recommended the HSR attends an accredited five day SafeWork NSW approved training. On completion of the training, the HSR will be registered on the SafeWork NSW database.

Note: For further information go to [section 5](#) of this document, or contact the [Health Safety and Wellbeing Service](#).

SESLHD PROCEDURE

Health and Safety Representatives

SESLHDPR/730

- 3.3 Health, Safety and Wellbeing (HSW):** the strategic unit responsible for the SESLHD WHS Management System contact details.
- 3.4 Officer:** a person who can make decisions that significantly affect the organisation (such as Directors).
- 3.5 Other agreed arrangements:** an alternative process for consultation on work health and safety matters agreed between the PCBU and its workers.
Other agreed arrangements may include regular scheduled meetings or team meetings where work health and safety is an agenda item, shift start-up meetings, or briefing sessions.
These arrangements must be planned and developed in consultation with the workers. Once agreed these arrangements must be followed as the method for work health and safety consultation.
- Note:** For further information please contact the [Health Safety and Wellbeing Service](#).
- 3.6 Person conducting a business or undertaking (PCBU):** includes organisations and individuals conducting a business or undertaking. SESLHD is a PCBU.
- 3.7 Health Safety and Wellbeing Service:** Health Safety and Wellbeing Service, working within facilities across SESLHD.
- 3.8 Worker:** includes any person who carries out work for SESLHD.
This can include any person who works as a:
- employee
 - trainee/ apprentice
 - volunteer
 - clinical or work experience student
 - contractor or subcontractor
 - employees of a contractor or sub-contractor
 - employees of a labour hire company (agency) assigned to work for SESLHD.
- 3.9 Workgroup:** an identifiable group of workers, who perform similar types of work and have similar health and safety concerns and conditions within the workplace i.e: department, unit or service.

4. RESPONSIBILITIES

4.1 Health and Safety Representatives (HSRs) will:

- represent the members of their workgroup regarding health, safety and psychosocial matters
- provide leadership, advice and information to staff in the work group
- collaborate with stakeholders to resolve health, safety and psychosocial risks related to the workgroup.

4.2 Health and Safety Committee (HSC) members will:

- represent the Department or Program they were elected by, at Health, Safety and Wellbeing meetings and escalating unresolved health, safety and wellbeing issues to the Committee
- facilitate collaboration and cooperation between management and workers.

4.3 Health and Safety and Wellbeing Services will:

- assist if required, in the HSR election process
- establish and maintain work health safety, and wellbeing consultation between workers and managers at the request of managers, and assist with scheduling HSR training
- establish and maintain work health safety, and wellbeing consultation procedures to meet legislative requirements and to achieve SESLHD work health safety and wellbeing objectives.

4.4 Employees will:

- cooperate with SESLHD consultation processes between workers and managers
- comply with all other SESLHD work health, safety and wellbeing policies and procedures to ensure health and safety at work.

4.5 Line Managers will:

- implement and comply with work health and safety consultation procedures
- support and assist in the HSR election process
- arrange the approved training ([see Section 5.8](#)) at the request of the HSR.

4.6 District Managers/ Service Managers will:

- ensure work health and safety consultation procedures are in place to meet legislative requirements to achieve the work health and safety consultation objectives, including the election, training and resourcing of HSRs if the workers of each workgroup so choose.

5. PROCEDURE

This section outlines the requirements for elections of HSRs and the support/facilitation SESLHD will provide to work groups if requested, to assist in conducting elections for Health and Safety Representative (HSR and Deputy HSR).

5.1 Worker representation

A worker or group of workers may determine the work group require representation by a HSR to resolve a health, safety or wellbeing matter. Under the [WHS Act 2011](#), workers may conduct an election to determine the work groups HSR.

5.2 Determining a workgroup

When a request for a HSR election has been made in writing and provided to the department/service manager, then consultation between the Person Conducting a Business or Undertaking (PCBU) and workers will occur to agree on the composition of the workgroup.

The department/service manager must notify the Manager Health and Safety within one business day of the pending election.

The PCBU must commence negotiation process with workers within 14 days of receiving the request to facilitate a HSR election ([WHS Act 2011, part 5, division 3](#)).

The purpose of negotiations is to determine the number of HSRs to be elected and the workgroup to be represented. The PCBU must notify the workers of the outcome of the negotiations.

Note: The work group members can at any time request to renegotiate a variation of the work group agreement. This could be triggered by changes to the work group composition through restructure, or change to services provided.

The workers may also request a representative (eg. a union delegate or official) to assist in negotiations with the PCBU regarding the establishment of the workgroup.

5.3 HSR election

Once the negotiations to determine the work group have been finalised, then the election process can commence.

The work group may request the PCBU to assist in this process by providing a representative to facilitate the election of a HSR. This request must be made in writing to the department/service manager.

Once the request for assistance to facilitate the election is received, the department/service manager will notify the Health and Safety Manager to appoint (in writing) a delegate (a WHS Coordinator) to negotiate on behalf of the PCBU. The nominated delegate will assist and oversee the election process.

The workers may also request a representative (eg. a union delegate or official) to assist in the election process.

5.4 Nominations for HSRs and Deputy HSRs

Any worker is eligible to be elected as a HSR or Deputy HSR for the workgroup, the only exception is a person disqualified under [Section 65 of the WHS Act 2011](#) from being a HSR.

The nominated Health and Safety Partner will act as Returning Officer. The Returning Officer will issue a call for HSR nominations in writing to the workgroup members using the [Call for Employee Health & Safety Representative \(HSR\) Nominations Form \(Appendix A\)](#).

The [Health & Safety Representative Nomination Form \(Appendix B\)](#) will be issued with this communication. Nominations will only be received on the nomination form and must be supported by a worker of the workgroup. The Returning Officer will collate and ratify all responses, and develop a listing of nominees.

5.5 Election process

For workgroups with one HSR position

- If there is one nomination received, the candidate is declared elected as the HSR.
- If there is more than one nomination received, an election will be held.

For workgroups with more than one HSR position (including Deputy HSR position)

- If there are fewer nominations received than there are vacancies, the Returning Officer will appoint the candidates received.
- If the number of nominations received and the number of vacancies are the same, the candidates are declared elected as HSRs.
- If there are more nominations received than there are vacancies, an election will be held.
- The Returning Officer administers the ballot [HSR Voting Paper Template \(Appendix C\)](#) on behalf of the workgroup. A “first past the post” voting system is used (only one vote per worker is allowed). Return addressed envelopes are distributed with the ballot, and only votes received on the ballot paper will be counted. Any candidate wishing to withdraw from the election must do so in writing to the Returning Officer. After the election period is completed, the votes shall be counted.

5.6 Determining election outcome

For workgroups with one (1) HSR position

The candidate who polls the highest number of votes is declared elected as the HSR of the workgroup.

For workgroups with more than one (1) HSR position (including Deputy HSR position)

SESLHD PROCEDURE

Health and Safety Representatives

SESLHDPR/730

The first candidate securing the highest number of votes is declared elected as the HSR of the workgroup. The remaining positions will be determined based on the next highest number of votes.

5.7 In the event of an equal finish or draw

The Returning Officer will notify the workgroup of the stalemate result and will initiate a further ballot [HSR Voting Paper Template \(Appendix C\)](#) involving only the candidates who are an equal finish. This subsequent ballot will adhere to the same principles as the initial ballot, being a “first past the post” voting system ([see 5.5 above](#)). In the event of an equal finish result from the subsequent ballot, the Returning Officer will establish an appropriate method for determining the elected candidate.

The Returning Officer will announce the outcome of the election to the workers of the workgroup, the department/service manager and the Manager Health and Safety and a welcome letter is sent to the new HSR by the Returning Officer.

The Manager Health and Safety will notify the General Manager / Director of the outcome including name of HSR and the work group the HSR will represent. This information will be registered on the Health, Safety and Wellbeing intranet page and with SafeWork NSW as required. The name of the HSR is also displayed on the noticeboard in the workgroup workplace.

5.8 Training for a HSR to obtain full power of the role

Internal training for HSRs is available through the Health and Safety Partners.

A HSR can request to attend an external accredited five day SafeWork NSW approved training. This training provides the HSR with the additional powers to fully exercise the role. On completion of the training, the HSR will be registered on the SafeWork NSW database.

HSRs are required to attend an annual one day HSR refresher course.

Elected HSRs interested in training should initially consult with their Manager. The HSR and their Manager should agree the timing and details of the HSR training to be completed. Coordination of attendance should be determined by each Manager and costs are incurred through their cost centre.

This training is only provided externally. For further information, please contact the [Health Safety and Wellbeing Services](#) or refer to procedure [SESLHDPR/731 - Health and Safety Consultation](#).

5.9 Term of office

Elected HSRs will hold office for a three year term and are eligible for re-election.

5.10 Termination of HSR term

A HSR ceases to hold office if:

- they leave the work group

SESLHD PROCEDURE

Health and Safety Representatives

SESLHDPR/730

- they are disqualified from being a HSR by SafeWork NSW under Section 65 of the WHS Act 2011
- any person adversely affected by a decision or action of a HSR can apply to WorkCover to have the HSR disqualified
- the HSR resigns, in which case the HSR must advise the SESLHD in writing of the resignation and provide this letter to the workgroup manager.

The notification process:

- the work group manager notifies the Manager Health and Safety
- the Manager Health and Safety notifies the respective General Manager / Director of the resignation
- Manager Health and Safety contacts SafeWork NSW to remove the HSR from the register as required.

5.11 Process for removal of the HSR

The HSR is removed from the position of representation when:

- the majority of work group members sign a written declaration that the HSR should no longer represent work group, the workgroup representative informs the HSR.

The notification process:

- the work group manager notifies the Manager Health and Safety
- the Manager Health and Safety notifies the respective General Manager / Director of the resignation
- Manager Health and Safety contacts SafeWork NSW to remove the HSR from the register as required.

If a HSR ceases to hold office before the end of the term, the department manager is to consult with the workgroup regarding the consultation arrangements for the workgroup or if required to implement the election process as stated in [Section 5.4](#).

6. DOCUMENTATION

6.1 Election Flowchart

Request for SESLHD to facilitate the election of a HSR

Where a request is made in writing to the manager of a department /service for facilitation of a HSR election, the manager will notify the Manager Health and Safety (within 1 business day) of the request



Facilitating the HSR Election

Once the request for assistance to facilitate the election is received, the department/service manager will notify the Manager Health and Safety to appoint (in writing) a delegate (Health and Safety Partner) to negotiate on behalf of the PCBU
The nominated delegate will assist and oversee the election process



Call for nominations

Returning officer nominated by Manager Health and Safety will call for nominations for HSR
[Call for Employee Health & Safety Representative \(HSR\) Nominations Form](#)



Nomination Period

Nominations received on the nomination form Health & Safety Representative (HSR) Nomination Form before the closing date of the nomination period to the returning officer



Conduct Election

Election held where number of nominations exceed number of vacancies
The returning officer will create a list of candidates and provide [HSR Voting Paper](#) on behalf of the workgroup



Counting of votes

If a draw occurs then the successful candidate is determined by returning officers process.
Results of the ballot are advised by the returning officer to the candidates, workgroups and employer



Notification of elected HSR

Returning officer will ensure that the HSRs information is updated and re-distributed as required and notify the department/service manager and the Manager Health and Safety of the result
The Manager Health and Safety will forward the results including HSR name and work group to the respective General Manager / Director and arrange for update of registers and notification to [SafeWork NSW](#)

SESLHD PROCEDURE

Health and Safety Representatives

SESLHDPR/730

6.2 Links

[Appendix A - Call for Employee Health & Safety Representative \(HSR\) Nominations Form](#)

[Appendix B - Health & Safety Representative \(HSR\) Nomination Form](#)

[Appendix C - Template HSR Voting Paper](#)

[Appendix D - Election Envelope Labels](#)

[Appendix E - HSR Welcome Letter](#)

7. AUDIT

This procedure will be audited through the NSW Health WHS Audit Program conducted every two years.

8. REFERENCES

External

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2017](#)

[SafeWork NSW - Codes of Practice](#)

[SafeWork NSW - Health and Safety Representatives Information](#)

Ministry of Health

[NSW Health Policy Directive PD2018_013 Work Health and Safety: Better Practice Procedures](#)

Internal

[SESLHDPR/731 - Health and Safety Consultation](#)

9. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
February 2022	1	Minor review of SESLHDGL/020 by Jen Hartley – Senior Health and Safety Partner. Conversion from Guideline to procedure SESLHDPR/730. Approved by Director People and Culture

Appendix A - Call for Worker Health and Safety Representative (HSR) Nominations**Election of worker in {Insert workgroup name} work group to the position of worker Health & Safety Representative**

A request arising for an elected worker Health and Safety Representative (HSR) in the {Insert Workgroup Name} Workgroup, is seeking nominations from existing work group members for {Number (O)} person/s to represent the work group and become a HSR. The term of office of the HSR will be three years.

Further information about the role of a HSR is available Consultation Guideline – Work Health and Safety.

HSR of {Insert Workgroup Name} Workgroup is elected by the work group members. Any work group member at the opening of nominations { : __ am/pm Day __ Month __ 20 __ } is eligible to be nominated as a HSR of the Workgroup.

Any work group member of the {Insert WG Name} at the opening of nominations is entitled to vote in the election.

Nominations must be supported by two of the work group members. Nominations must be made on the nomination form provided.

Nominations close on {Day __ Month __ 20 __} and must reach the office of the Returning Officer, {Returning Officer's Location} by { : __ am/pm} on that day. Late nominations will not be accepted.

A nomination form is included and further details may be obtained from {Returning Officer name>, {email address@ }, telephone {____ }.

If the number of nominations exceeds the number of vacancies, ballot papers will be posted to all eligible voters for a postal ballot on {Day __ Month __ 20 __} and the election will close on {Day __ Month __ 20 __}.

Workers that are unable to access the forms should advise {Returning Officer name} by email or telephone and a nomination form and details will be forwarded. In the event of an election, ballot papers will be posted by {Day __ Month __ 20 __} and must reach the office of the Returning Officer, {Returning Officer name>, Location, Department} by {Day __ Month __ 20 __} at { : __ am/pm}. Late ballots will not be accepted.

{NAME}

Returning Officer

{Contact details}

Appendix B: HSR Nomination Form

**Worker in the Work Group of {Insert Workgroup name} to the position of worker Health & Safety Representative (HSR) for a term of three years
Each nominee must be supported by two members of the {Insert workgroup name} Workgroup.**

Proposer: I

(Print name) _____
(Telephone number)

(Department name) _____
(Email address)

Seconder: and I

(Print name) _____
(Telephone number)

(Department name) _____
(Email address)

Signature of **PROPOSER** _____

Date: _____

Signature of **SECONDER** _____

Date: _____

Being members of the workgroup {Insert Workgroup Name}, **hereby nominate as an worker Health & Safety Representative (HSR) for a term of three (3) years**

Nominee:

(Print name) _____
(Telephone number)

(Designated Work Group name) _____
(Email address)

CONSENT OF NOMINEE:

I consent to the above nomination

Signature of **NOMINEE** _____

Date: _____

This nomination form must reach the office of the Returning Officer, {Returning Officer location}, by { : __ am/pm } on {Day __ Month __ 20 __} and may be accompanied by an electoral statement made by the candidate. An electronic copy of this statement, if provided, must be forwarded to {address@ >. If more nominations are received than the number of vacancies, a ballot will be held. In this instance eligible voters will be advised on {Day __ Month 20 __} of the need for an election. Ballot papers will be posted to all eligible voters. Votes must be cast by { : __ am/pm } on {Day __ Month __ 20 __}.

Appendix C: HSR Voting Paper

Election of a {insert Facility, Service, Department name} work group member in {work group name} to the position of worker Health & Safety Representative (HSR) for a term of three years

Voting instruction – simple majority

Indicate your preference by writing the number (1) or placing a tick (✓) in the square opposite the name of the candidate you wish to elect.

Voting Procedure

1. Voting paper is to be placed in the envelope marked 'VOTING PAPER'.
2. Voters must print their name and sign the back of the envelope addressed to THE RETURNING OFFICER.
3. The envelope marked VOTING PAPER should be placed inside the envelope addressed to THE RETURNING OFFICER and mailed so that it is received by the Returning Officer no later than : am/pm , Date: 20

The following persons have been nominated and the order of listing has been determined by lot.

Candidate 1: _____

Candidate 2: _____

Candidate 3: _____

Candidate 4: _____

{DEPARTMENT} {Number} issued of {Number}

Appendix D: Election Envelope Labels

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

VOTING PAPER

{DEPARTMENT }

Appendix E: HSR Welcome Letter

Confirmation of election as Health & Safety Representative (HSR)

In election of {insert name} in the {Insert workgroup name} Work Group to the position of worker Health & Safety Representative

Dear {Successful candidate name}

As Returning Officer for the nomination and election of worker Health and Safety Representative (HSR) for {Insert Workgroup Name}, I am pleased to advise that you have been elected as the HSR for {Insert Workgroup Name}, in accordance with conditions of nomination, for the term until {__ Month __ 20__ = election date + 3 years}.

Management Representative

The management you should be consulting with for {Workgroup Name} is {Managers Name}.

Designated Work Group (DWG) Information

A list of work group and HSRs are published on the [Health Safety and Wellbeing web site](#). You can request a printed copy for your information and use.

Training

Elected worker HSRs are entitled to paid leave to attend one WorkCover approved five day training program for a HSR, including an annual one day refresher course in subsequent years. Please consult with your Manager initially, for further information contact the [Health Safety and Wellbeing Services](#).

Meetings

As a HSR you are invited to attend the local Work Health and Safety Committee meetings held on {Day, Date, Time, Location}. There may also be other planned meetings with fellow HSRs.

Further Information

Further information about the role of a HSR is available in procedure SESLHDPR/731 - [Health and Safety Consultation](#) and by contacting the [Health Safety and Wellbeing Services](#)

Regards

{Insert Name}

Returning Officer

{__ Month __ 20__}